

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civil

Action No. 2:10-1406

\$599,274.58, More or Less,  
in United States Currency,

Defendant.

Interested Party:

Diane E. Shafer, M.D.

ORDER

The court has reviewed the "Proposed Plan" submitted August 30, 2011, by counsel for the United States and the interested party.

Pursuant to Rule 16(b) and Local Rule of Civil Procedure 16.1(e), it is accordingly ORDERED that this case shall proceed as follows:

Case Event	Date/Time
Amendment of pleadings and joinder of parties.	09/21/2011
Deadline for written discovery requests.	03/23/2012
Expert disclosure by party with burden of proof.	03/08/2012
Expert disclosure by opposing party.	04/09/2012
Expert disclosure for rebuttal purposes.	04/23/2012
Deposition deadline and close of discovery.	05/07/2012

Filing of dispositive motions.	05/29/2012
Responses to dispositive motions.	06/11/2012
Reply to response to dispositive motion	06/18/2012
Settlement meeting and mediation deadline.	06/06/2012
Filing of motions in limine.	08/06/2012
Responses to motions in limine.	08/13/2012
Plaintiff draft of pretrial order to defendant.	08/21/2012
Integrated pretrial order filed by defendant.	08/28/2012
Pretrial conference.	09/07/2012 11:00 AM
Proposed findings and conclusions filed.	09/10/2012
Final settlement conference.	09/17/2012 11:00 AM
Trial.	09/18/2012 9:30 AM

The amendment of any pleading and the joinder of any party is subject to Rules 15 and 16, and the accompanying rules governing the joinder of parties.

The last date to complete depositions shall be the "discovery completion date" by which all discovery, including disclosures required by Federal Rule of Civil Procedure 26(a)(1), and (2), but not disclosures required by Federal Rule of Civil Procedure 26(a)(3), shall be completed. Pursuant to Local Rule 26.1(c), the court adopts and approves the agreements of the parties with respect to limitations on discovery (numbers of interrogatories, requests for admissions, and depositions).

Regarding the settlement meeting, the United States and the interested party and their lead trial counsel, if any, shall meet and conduct negotiations looking toward the settlement of the

action, and counsel and any unrepresented parties will be prepared at the pretrial conference to certify that they have done so. Counsel for the United States shall take the initiative in scheduling the settlement meeting, and all other counsel and any unrepresented parties shall cooperate to effect such negotiations. If the action is not settled during the settlement meeting or mediation session, and if there is no order or stipulation to the contrary, counsel and any unrepresented parties shall make all Rule 26(a)(3) disclosures at the conclusion of the meeting or session.

The proposed integrated pretrial order, signed by all counsel and any unrepresented parties, shall set forth the matters listed in Local Rule of Civil Procedure 16.7(b).

At both the pretrial and final settlement conferences, lead trial counsel shall appear fully prepared to discuss all aspects of the case. Individuals with full authority to settle the case for each party and interested party shall be present in person or immediately available by telephone.

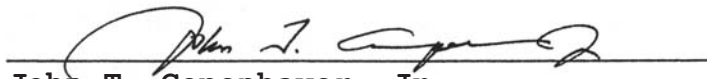
Should lead trial counsel fail to appear at any pre-trial conference or otherwise fail to meet and confer in good faith with opposing counsel as required herein, or should a party,

interested party, or his authorized representative fail to appear or be available at any conference or otherwise fail to meet and confer in good faith as required herein, appropriate sanctions may be imposed, including, but not limited to, sanctions by way of imposition of attorney fees against the attorney and/or his client pursuant to Fed R Civ P Rule 16(f).

All proceedings shall be held by the court at the Robert C. Byrd United States Courthouse, Charleston, West Virginia.

The Clerk is directed to transmit copies of this order to all counsel of record and any unrepresented parties.

ENTER: September 2, 2011

  
John T. Copenhaver, Jr.  
United States District Judge